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Food and Agricultural Import Regulations and Standards

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Report Highlights:

This report provides an overall review of Korean regulations pertaining to importation of food products et al. It also includes information on recent development made in the controversial labeling of genetically modified food products.

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KOREA: FOOD IMPORTS REGULATIONS AND STANDARDS**Last Updated: July 1999****Section(s) Last Updated: NEW**

DISCLAIMER: This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in (Seoul, Korea) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.

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A. Food Laws

There is a strong political consensus in Korea that the interests of weak groups in society, farmers in particular, must be protected. Most Koreans would question whether a Korean government official willing to expose a local farmer to the tempest of the world marketplace had the right to remain in power. This view is combined with the broad public perception that Korea imports a lot of food products, and that almost all of these imports come from the United States (both errors in fact). Following are the responsibilities of ministries or agencies that are involved with major food laws in Korea and a brief description of the relevant food laws.

1. Ministry of Health & Welfare:

Most of the authorities that the Ministry of Health & Welfare (MHW) previously held on food were delegated to the Korea Food & Drug Administration (hereinafter referred to as KFDA) in 1998, except for authorities on legislation of the Food Sanitation Act, its Presidential Decree and Ministerial Ordinance. As MHW continues its reorganization, its linkage to food safety related issues is gradually fading. This can be seen from the fact that there is only one division within the whole Ministry that now oversees the food and drug industry, compared to a whole bureau prior to 1998.

a. Food Sanitation Act

The Food Sanitation Act is legislated by the National Assembly. This Act aims to contribute to the improvement of the national health by preventing sanitary hazards and harm caused by food products and by improving the quality of food nutrition. This is the legal basis for the food safety related work that MHW and KFDA carry out.

b. Presidential Decree to the Food Sanitation Act

The Presidential Decree establishes provisions for implementing the Food Sanitation Act. The decree prescribes the articles which are delegated by the Food Sanitation Act and the necessary implementing articles.

c. Ministerial Ordinance to the Food Sanitation Act

The Ministerial Ordinance to the Food Sanitation Act prescribes the articles which are delegated by the Food Sanitation Act and Presidential Decree and the necessary implementing articles. This ordinance is where you will find the nuts and bolts needed in carrying out food related business and the relevant penalties, should you fail to do so. It also provides samples of the various types of forms needed in conducting food related business. Other more detailed standards are provided in the form of Food Code, Food Additive Code, Guidelines, Notices, etc. Most of these detailed regulations are the responsibility of KFDA which is explained in the next portion of this report.

2. Korea Food & Drug Administration:

KFDA is the principle government agency whose mission is to ensure that foods are safe, sound, wholesome and correctly labeled. KFDA is also responsible for ensuring that medicines are safe, effective, and have all possible side effects noted. KFDA is responsible for setting and implementing standards and specifications for foods, food additives, and food packaging / containers / equipment, except for meat, poultry and dairy products. These exceptions are handled by the Ministry of Agriculture & Forestry in accordance with the Livestock Product Processing Control Act. These standards and specifications apply to both domestically produced as well as imported food products. Specific to imported food products, KFDA will inspect the products under the provisions provided in the "Guidelines for The Inspection of Imported Food Products." KFDA is also

responsible for operating HACCP and recall for all food products, except for meat, poultry and dairy products. KFDA is also responsible for regulating non-food related products including cosmetics, vaccines, blood products, medical devices and radiation-emitting products. KFDA is committed to improving the quality of life, maintaining high standards of living and ensuring the public's welfare. To support its science-based regulatory decisions, KFDA oversees the National Institute of Toxicological Research which utilizing in vitro and in vivo analytical methods focuses on the research and development of test methods. KFDA headquarters has two bureaus, under the two bureaus are six departments. KFDA headquarters also oversees the National Institute of Toxicological Research and six regional KFDA offices.

a. Food Code

The Food Code stipulates standards and specifications for manufacturing / processing / usage / cooking / storage of food and equipment / containers / packaging for food products. This code contains general standards and specifications governing food products and individual standards and specifications of 170 food categories under 20 groups. It also specifies the standards for maximum residue levels of agricultural chemicals, antibiotics, synthetic antibiotics, hormones, radioactive ray standards, testing methods, etc.

b. Food Additive Code

The Food Additive Code defines standard specifications for individual food additives and their usage standards. As of September 1998, this code listed standards for 387 types of chemical synthetics, 167 types of natural food additives and 7 types of mixed food additives. Korea utilizes a "positive list" system for food additives meaning any food additive or its usage not listed in the code shall be banned.

c. Labeling Standards for Food et al.

"Labeling Standards for Food et al." aims to promote the sanitary treatment of food products, et al. and to provide accurate information to consumers by defining the labeling standards for food, food additives and packaging, based on the Article 10 of the Food Sanitation Act.

3. Ministry of Agriculture & Forestry:

The Ministry of Agriculture & Forestry (MAF) is responsible for establishing regulations and standards related to agricultural products, including livestock products and dairy products. There are several agencies under MAF that are responsible for enforcing the various regulations established by MAF. The National Veterinary Research & Quarantine Service (NVRQS) is responsible for implementing regulations pertaining to both domestic and imported animals and livestock products. The National Plant Quarantine Service (NPQS) is responsible for the implementation of regulations pertaining to plants. The National Agricultural Products Inspection Service (NAPIS) is responsible for setting quality standards and grades for agricultural products. NAPIS is also actively working to become the inspection agency for genetically modified organisms (GMO). The Rural Development Administration (RDA) whose key role is extension work and development of new technologies to be used in farming is also proactive in developing GMO products. Due to such technical background, RDA provides technical advice to MAF on setting standards for GMO products.

a. Livestock Processing Control Act

This Act aims to promote the sound development of the livestock industry and improve public health by ensuring sanitary treatment and quality improvement of livestock products. To this end, this Act specifies requirements in regard to the slaughter and treatment of livestock and the processing, distribution and inspection of livestock products. This Act is also the legal basis for setting health standards provided in the Livestock

Code, excluding antibiotic standards for meat, poultry and dairy products governed under the Food Sanitation Act.

b. Presidential Decree to the Livestock Product Processing Control Act

The Presidential Decree aims to establish matters delegated by the Livestock Product Processing Control Act and matters necessary to enforce the Act.

c. Ministerial Ordinance to the Livestock Product Processing Control Act

The Ministerial Ordinance aims to establish matters delegated by the Livestock Product Processing Control Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree. The ordinance establishes the basics needed to conduct livestock product business and the relevant penalties, should you fail to do so. It also provides various samples of the forms needed in conducting such business.

d. Livestock Code

The Livestock Code provides health standards for meat, poultry and dairy products, such as micro-organism standards, shelf-life standards, etc. However, this code does not provide antibiotic standards, which is governed under the Food Sanitation Act. The current Livestock Code is a copy of the existing Food Code which was prepared in June, 1998 and transferred from KFDA to MAF. According to MAF, it plans to provide a draft revision of the Livestock Code in September, 1999.

e. Livestock Epidemics Prevention & Control Act

The Livestock Epidemics Prevention & Control Act aims to contribute to the development of the livestock industry and to improve public health by preventing the outbreak and spread of livestock epidemics. This Act focuses on live animals, whereas the Livestock Processing Control Act focuses on livestock products.

f. Presidential Decree to the Livestock Epidemics Prevention & Control Act

The Presidential Decree aims to establish matters delegated by the Livestock Epidemics Prevention & Control Act and matters necessary to enforce the Act.

g. Ministerial Ordinance to the Livestock Epidemics Prevention & Control Act

The Ministerial Ordinance aims to establish matters delegated by the Livestock Epidemics Prevention & Control Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree.

h. Import Health Requirements for Various Animals

Live animals and animal products should be in accordance with the relevant provisions required by Ministry of Agriculture & Forestry (MAF). MAF is responsible for setting regulations and National Veterinary Research & Quarantine Service is in charge of enforcing them. Health requirements for livestock products exported to Korea can be accessed in English through the website of the Food Safety & Inspection Service of the U.S. Department of Agriculture (<http://www.fsis.usda.gov>). It must be noted that the U.S. and the Republic of Korea are currently undergoing negotiations on new FSIS health certificates to be used in exporting meat products produced from bovine animals.

i. Plant Protection Act

The Plant Protection Act aims to contribute to the safety and promotion of the production of agriculture and forestry by establishing quarantine regulations for imported/exported and domestic plants and for the prevention and eradication of destructive animals and plants.

j. Presidential Decree to the Plant Protection Act

The Presidential Decree aims to establish matters delegated by the Plant Protection Act and matters necessary to enforce the Act.

k. Ministerial Ordinance to the Plant Protection Act

The Ministerial Ordinance aims to establish matters delegated by the Plant Protection Act and the Presidential Decree thereof, and matters necessary for the enforcement of the Act and the Decree.

l. Import Plant Inspection Guideline

The Import Plant Inspection Guideline aims to perform inspection of imported plants and plant materials consistently and effectively by establishing specific principles about the subjects which were delegated to the Director General of the National Plant Quarantine Service in the Plant Protection Act, the Presidential Decree to the Act and the Ministerial Ordinance to the Act regarding the inspection and the disposition of imported plants.

m. Labeling Standards for Livestock Products

This set of standards aims to promote the sanitary and seamless processing and control of livestock products, et al. It is required for providing accurate information to consumers by defining the labeling standards for livestock products and container / equipment / packaging / stamping colorings based on Article 6-1 of the Livestock Processing Control Act.

n. Agricultural & Fishery Product Quality Control Act and its Presidential Decree

This Act was passed by the National Assembly in December 1998 and its Presidential Decree was finalized in June, 1999. It includes provisions governing genetically modified agricultural products and their labeling, country of origin mark, etc. The Act provides a legal basis for the Ministry of Agriculture & Forestry to require labeling of GMO products. However, MAF has yet to establish any specifics for the labeling.

o. Sustainable Agriculture Promotion Act

This Act aims to realize environmentally sustainable agriculture by introducing agricultural methods and techniques to protect the environment, by reducing environmental pollution related to agriculture and by encouraging the adoption of sustainable agriculture.

p. Sustainable Agricultural Product Quality Control Guideline

The purpose of this guideline is to establish details necessary for the quality control of organic agricultural products, in accordance with the Article 16 and 18 of the Sustainable Agricultural Promotion Act and Article 7 and 11 of its Ministerial Ordinance.

q. Guideline for Country of Origin

This guideline has been established to prevent mislabeling to the benefit of consumers and agricultural producers. The establishment of the country of origin labeling requirements for domestic agricultural products and raw materials used in domestically processed agricultural products is in accordance with Article 17 of the Agricultural & Fishery Products Quality Control Act and Article 38 to 40 of the Presidential Decree of the Act. As for the labeling requirements for imported agricultural products, it is in accordance with Article 53 of the Presidential Decree of the Foreign Trade Act.

r. Seed Industry Act

The Seed Industry Act that passed the National Assembly in 1996 went into effect on December 31, 1997. This Act allows Korea to meet its commitments under the World Trade Organization's Trade Related Aspects of Intellectual Property Rights (TRIPS) and the OECD requirement for the planting seed trade. The Act's major impact on trade will be the new protections offered on intellectual property rights. The Act does not, however, liberalize imports of major staple crop seeds.

The Seed Industry Act combines the provisions under the Seedling Management Act which governed the vegetable seed sector with the provisions of the Major Agricultural Seed Act which governed the seed sector for major field crops. The Presidential Decree and Ministerial Ordinance to the Seed Industry Act became effective December 31, 1997 and January 24, 1998, respectively.

For more information regarding general regulations of planting seed, contact the following authority.

Dr. Keun Jin CHOI
National Seed Production & Distribution
Rural Development Administration
Ministry of Agriculture and Forestry
Phone: 82-343-446-2432
Fax: 82-343-448-1216
e-mail: nspd074@chollian.dacom.co.kr

National Veterinary Research & Quarantine Service

The purpose this service is the effective sanitary control of animal origin products from farm to table. The National Veterinary Research & Quarantine Service was established on August 1, 1998 when the National Animal Quarantine Service and the National Veterinary Research Institute were merged.

Rural Development Administration

The Rural Development Administration (RDA), organized under the Ministry of Agriculture and Forestry, is responsible for administering policies on testing, researching, providing extension service and training to farmers to develop the rural sector.

Under the Administrator, there are eight research institutes, six crop experiment stations and a seed management office. The eight research institutes are composed of the Agricultural Science and Technology Institute, the Agricultural Mechanization Research Institute, the Livestock Research Institute, the Rural Living Science Research Institute, the Horticultural Research Institute, the Taegu Apple Research Institute, the Nahjoo Sand pear Research Institute and the Cheju Citrus Research Institute. Major crop experiment stations are located in six different regions of the country and conduct research and development of new varieties of rice, wheat, barley, potatoes, soybeans, citrus and other horticultural crops.

4. Ministry of Maritime Affairs & Fisheries

The Ministry of Maritime Affairs and Fisheries (MOMAF) was established by merging the National Maritime Affairs Administration and the National Fisheries Administration into one ministry in 1994. The Ministry is responsible for making policies and plans for maritime affairs and fisheries, maintaining facilities and materials and instructing all operations related to maritime affairs and fisheries.

Under the Minister of MOMAF, there are sub-organizations such as the National Fisheries Research & Development Institutes, the National Fisheries Products Inspection Station, the Training Institute for Government Officials, the National Oceanographic Research Institute, the Fisheries Patrol Vessel Management Office, the Marine Accident Inquiry Agency and the Regional Maritime Affairs and Fisheries Office.

The National Fisheries Products Inspection Station (NFPIS) is in charge of inspection of fishery products produced in Korea and those that are imported from other countries.

a. Fishery Products Inspection Act

The Fishery Products Inspection Act is legislated by the National Assembly. This Act aims to promote the quality improvement and standardization of fishery products through inspection. This is the legal basis for the fishery inspection work that NFPIS carries out.

b. Presidential Decree to the Fishery Products Inspection Act

The Presidential Decree provides provisions for implementing the Fishery Products Inspection Act. The decree prescribes the articles which are delegated by the Fishery Products Inspection Act and the necessary implementing articles.

c. Ministerial Ordinance to the Fishery Products Inspection Act

The Ministerial Ordinance to the Fishery Products Inspection Act prescribes the articles which are delegated by the Fishery Products Inspection Act and Presidential Decree and the necessary implementing articles. The ordinance provides the detailed standards that fish and its processed products must meet.

B. Labeling Requirements (Nutritional / Organic / Health claims)

Labeling requirements can change frequently, and a good importer will stay on top of the changing regulations. In addition to the following requirements, most food products must now be marked with the country of origin. Korea language stickering may be done in bond at the port of entry. Since June 14, 1998, Ministry of Agriculture & Forestry has taken over the authority of establishment and implementation of labeling requirements for livestock products from Ministry of Health & Welfare.

Labeling Standards for Food et al, KFDA

Authority on labeling standards for food were delegated in 1998 to the Korea Food & Drug Administration (KFDA). Previously, this authority was held by the Ministry of Health & Welfare. The Food Safety Division at KFDA is responsible for labeling standards for food products. KFDA inspectors in each regional office enforce the standards. The health authorities working for the provincial government also have the authority to enforce the labeling standards.

All imported food products (livestock products are regulated by MAF standards) are required to have Korean language labels. (Stickers may be used instead of Korean language labels, but such stickers must be in Korean. The sticker should not be easily removable and should not cover the original labeling). Labels should have the following inscriptions printed in letters large enough to be readily legible:

- 1) Product name: The label should state the name of product. This product name should be identical to the product's name as declared to the licensing/inspection authority.
- 2) Product type: Product type by classification unit as defined in the Food Code. If a product type is not

classified, a product kind should be indicated.

- 3) Importer's name and address, and the address where products may be returned or exchanged in the event of defects.
- 4) Manufacturing date, month, and year: This is mandatory only for specially designated products such as lunch box and sugar. The shelf life for these designated products must also be labeled. It is not required to label liquor with a shelf life but the manufacturing date is required. However, such requirement for liquor may be exempted if it has a manufacturing number (lot number) or bottling date.
- 5) Shelf life: Food products should identify their shelf life as determined by the manufacturer. If various kinds of products having different shelf lives are packaged together, the shelf life of the product that has the shortest shelf life should be used on the label. The products that are subject to mandatory shelf life limits, in accordance with the Korea Food Code, should meet such standards.
- 6) Contents: Weight, volume or number of pieces (if the number of pieces is shown, the weight or volume must be indicated in parentheses).
- 7) Ingredient(s) or raw material(s) and a percent content of the ingredient(s) should be included on the label (contents of the ingredients are included only when certain ingredients are used in the product name or as a part of the product name). The name of the major ingredient in accordance with the Article 7 of the Act must be included on the label as well as the names of at least the next four principle ingredients. These should be listed with the highest percentage first followed by the others. Artificially added purified water does not count as one of the five major ingredients.
- 8) Nutrients: Only special nutritional foods, health supplementary foods, products wishing to carry nutritional labels and products wishing to carry a nutrients emphasis mark are subject to nutritional labeling.
- 9) Other items designated by the detailed labeling standards for food et al.: This includes cautions and standards for use or preservation. (e.g. drained weight for canned products, radiation-processed products, etc.). Products that must be kept at low temperatures, such temperatures should be indicated.

Cases where the above application of the labeling requirements are exempted are as follows:

- A. Agricultural products such as grains, fishery items such as whole frozen fish and fruits, that are loose, in a container or packaging, etc.
- B. Bulk packaged products that will be repackaged into a smaller sized package prior to sales. (Documents that show such intent need to be provided.)
- C. Foods, etc. to be used for manufacturing or cooking for a company's own use. (Documents that show such intent need to be provided.)
- D. Products imported for the purpose of acquisition of foreign currency, under the provisions of Article 34 of the Ministerial Ordinance to the Foreign Trade Act. These are cases where the products are brought in and further processed and re-exported. However, if the food and food additives are imported for the purpose of acquisition of foreign currency in the domestic market, such as tourist hotels, in accordance with the Article 4-4-1-1 of the Foreign Trade Management Regulations, it should have a label that provides the name of the business license (report) authority, business license (report) number, name of the company and the company address and shelf life.

Nutritional labeling requirements are specified in the Labeling Standards for food et al. As of now, nutritional labeling is not a mandatory requirement for most food products. Korea only requires nutritional labeling for the following:

- A. Special nutritional food or health supplementary food
- B. In the event that specific nutrients are emphasized (e.g., if a product is labeled as "calcium added yogurt", the content of the calcium must be labeled).

C. If you wish to put on nutritional labeling

If a product does not fall under the above three categories, then it does not need a nutritional labeling.

Regarding health claims, Korea does not currently allow health claims to be put on food products.

The following is the contact information for the division responsible for labeling regulations in KFDA:

Food Safety Division

Food Safety Bureau, KFDA

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone) 82-2-380-1726/7 Fax) 82-2-388-6396

Labeling Standards for Livestock Products - MAF

A business enterprise or person who wishes to make an import declaration, in accordance with the provision of the Article 15-1 of the Livestock Processing Control Act, should indicate (label) the following. The labeling requirement is in accordance with Article 3 of the labeling standards for livestock products:

1. Product name
2. Type of processed livestock product (containers, packaging materials, etc. are exempt)
3. Name of business license issuer and the business license (or report) number
4. Name and address of company
5. Manufacturing date, month, and year (only designated products are subject to this category)
6. Shelf life (containers, packaging materials, etc. are exempt)
7. Content (containers, packaging materials, etc. are exempt. However, the amount of stamp coloring used should be included.)
8. Ingredient or raw material (the material used for making the container, etc. should be indicated. However, coloring used for stamping the certification of slaughtering should follow the standards for food additives under the Food Sanitation Act) and the content of ingredient (if a certain ingredient is used in the product name or as a part of the product name);
9. Nutrient (only designated products are subject to this category);
10. Other items specified in Appendix Table 1 of the labeling standards for livestock products, according to the "Detailed Labeling Standards for Livestock Product et al."

Labels should be written in Korean using ink, engraving or a stamp that cannot be erased. However, registered trademarks in foreign language (according to the Korean Trademark Law) and Chinese characters can be written next to the Korean writing, so consumers can better understand the labeling.

Exemption from application: Imported livestock products may be exempt from the Korean language labeling if it belongs to one of the following categories:

- A. Carcass
- B. Large packaged products (bulk type); limited only to raw materials to be repackaged prior to sale
- C. Raw materials for manufacturing processed livestock products (i.e. frozen turkey to be used in manufacturing sausage)
- D. Products permitted to be imported for the purpose of earning foreign currency (including

materials to be re-exported) per the Foreign Trade Management Regulations;

Labeling Regulations for Organic Agricultural Products - Sustainable Agriculture Promotion Act, MAF

Korea announced the Sustainable Agriculture Promotion Act on December 13, 1997. The Presidential Decree to the Act and the Ministerial Ordinance of the Act which were released in December of 1998, aim to establish matters delegated by the Act and details needed in enforcing the Act. Prior to 1998, there were two Acts which regulated organic products but these were merged into the current Act.

MAF announced the “Guidance for Quality Control of Sustainable Agricultural Products” on January 16, 1999. The Sustainable Agriculture Division at MAF is responsible for regulating organic products. MAF sets the regulations pertaining to organic products and the National Agricultural Products Inspection Office enforces these regulations. Regulations governing the certification of organic products follow:

- S Certification by Foreign Government: The Korean government accepts organic products certified by a foreign government agency (including both state and federal governments).
- S Certification by Authorized Institutes of the Exporting Country: Organic products certified by institutes which have been authorized by a state or federal government of the exporting country will be accepted.
- S Certification by Private Institutes: MAF is still debating whether to accept certificates issued by private institutes. At present certification by private institutes is not acceptable.

Sustainable Agriculture Division

Food Grain Production Bureau, MAF
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone) 82-2-500-2648/9 Fax) 82-2-507-2096

COO (Country of Origin) - MAF

According to the guideline for country of origin labeling for agricultural products by MAF, the country of origin labeling is now required on many agricultural products. Detailed information on country of origin labeling is provided in the guideline for country of origin labeling. National Agricultural Product Inspection Office under MAF is responsible for enforcing the COO regulations in the market place. As for imported products, the Korea Customs Service is responsible for checking the country of origin labeling prior to Customs clearance.

Food Industry Division

Agriculture Marketing Bureau, MAF
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone) 82-2-500-2677/8 Fax) 82-2-503-7905

C. Food Additive Regulations

Food Additive Code - KFDA

The use of food additives in Korea is controlled by the “Food Additive Code.” As of July, 1999, there is a positive list of 561 food additives that are approved for use in Korea. These food additives are grouped into the following three categories; (a) chemical synthetics, (b) natural additives and (c) mixture substances. Most

additives and / or preservatives are approved and tolerance levels are established on a product-by-product basis in Korea. This can create difficulties as tolerances vary from product to product. Also, getting a new additive added onto the approved list, can be time consuming and troublesome. Even though there may be an established CODEX standard for a given food additive, if that food additive is not registered in the Korean Food Additive Code or registered but usage in a certain food product is not specified, the use of that food additive in the given food product is prohibited. This means that only the food additives that are registered in the Korean Food Additive Code are allowed to be used in food products, in accordance with the usage standards specified in the Food Additive Code. The office that is responsible for food additives in KFDA is as follows:

Food Additives Evaluation Department**Korea Food & Drug Administration**

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone) 82-2-380-1687 Fax) 82-2-382-4892

D. Pesticide and Other Contaminants (Antibiotics and Growth Hormones)

Matters related to pesticides are handled by three different government agencies, the Korea Food & Drug Administration (KFDA), the Ministry of Agriculture & Forestry (MAF) and the Ministry of Environment (MOE). KFDA is responsible for regulating pesticide residues in foodstuffs, in accordance with the maximum residue levels (MRLs) set in the Food Code. In Chapter 3 of the Food Code, there is a list of 202 pesticides whose permissible MRLs in foods are set. If there is an MRL established in the Food Code for a given agricultural chemical, other tolerance levels, such as CODEX, etc. are not accepted. However, for agricultural chemicals where tolerance levels have not been established in the Korean Food Code, residue levels set by other bodies, such as CODEX or other nations are taken into consideration, prior to making a decision on whether the level detected would be acceptable or not. Registration of pesticides, safety usage standards, and notification of pesticides fall under the responsibility of MAF. All pesticides used in Korea should be registered with MAF. MOE is conducting tests for pesticide levels in water, soil and agricultural products.

The Food Code also has a list of antibiotics and growth hormones for meat products in Chapter 3 of the code. It provides a list of permitted antibiotics and hormones and their tolerance levels. The office that is responsible for pesticides and contaminants is as follows.

Food Evaluation Department

Korea Food & Drug Administration

5 Nokbeon-dong, Eunpyung-ku

Seoul, Korea 122-704

Phone) 82-2-386-6586 Fax) 82-2-382-4892

E. Other Regulations and Requirements (certification)**Phytosanitary Certificate Requirements - animal, plant, meat, etc.**

Phytosanitary and health certificates issued by the exporting country's inspection authority are required for live animal, plant and meat products, such as beef, pork, poultry, etc. This requirement is in accordance with the Livestock Epidemics Prevention & Control Act, the Plant Protection Act, and the Livestock Processing Control

Act, respectively.

F. Other Specific Standards

Genetically Modified Organisms (GMO) caught the public's attention and in particular, that of Korean consumer groups during the second half of 1998. However, the Korean government has delayed implementing regulations on the production and sale of GMO products so as not to discourage advancements in biotechnology. But, due to strong pressure from consumer groups, the Korean government has announced a couple of proposals pertaining to GMOs. In one of these proposals, the Ministry of Agriculture & Forestry issued a proposal requiring the labeling of genetically modified agricultural products which passed the National Assembly in December, 1998. Subsequently, MAF announced and finalized its Presidential Decree and Ministerial Ordinance. As of July 1, 1999, MAF has the authority to require labeling on GMO products in accordance with the above regulations, but it has yet to come up with a list of products subject to the GMO labeling regulations.

As another proposal, the Korea Food & Drug Administration issued the proposed guideline on the safety assessment of genetically modified food products and food additives. This guideline aims to establish safety assessment requirements and procedures for recombinant foods and food additives, in accordance with Article 4, Paragraph 2 of the Food Sanitation Act. Thus, foods and food additives developed through recombinant DNA techniques may be commercially distributed after the Commissioner of the Korea Food & Drug Administration confirms that such foods and food additives do not pose any health risk to humans. These guidelines are expected to be finalized in 1999. Currently, KFDA is preparing labeling standards for processed food produced using GMOs and is in the process of collecting and studying information and practices of other countries and international organizations such as CODEX. The U.S. government has provided the requested information on GMO labeling practices of the U.S. to KFDA.

"Standards & Specifications for Equipment and Container / Packaging" has been established by KFDA and is contained in Chapter 6 of the Korean Food Code. This includes general standards for equipment and container / packaging for food products and specifications for individual packaging materials. The Ministry of Environment announced regulations concerning PVC shrink wrap packaging. This will be implemented from January 1, 2001.

G. Import Procedures

Korea Customs Service (KCS), KFDA, National Quarantine Office (for ports that do not have KFDA regional offices), National Veterinary Research & Quarantine Service and National Plant Quarantine Service are the agencies involved in the import clearance process. Imports of agricultural products generally must receive clearance from several organizations and are thus much more likely to run into port delays than other imported products. These delays can be costly due to the perishable nature of many agricultural products. In addition to these organizations, there are many other agencies that are involved in regulating imports through the administration of licenses or in some cases, quotas for agricultural products. KCS is responsible for ensuring that all necessary documentation is in place before the product is finally released from the bonded area. KCS operates the EDI system (Electronic Data Interchange System) and KFDA operates the imported food network system through their regional offices and national quarantine offices. The KFDA network system is connected to the EDI system of KCS. This permits results of the KFDA inspection to be transmitted through the EDI system, once the inspection is completed. Such connection enables KCS to reduce the clearance time. Products

subject to plant quarantine inspection and animal quarantine inspection must be cleared by the respective quarantine inspection authorities before clearing customs.

Korea Food & Drug Administration (KFDA) Import Procedures

1. The importer or the importer's representative submits the "Import Declaration for Food, etc."
2. The type of inspection to be conducted is determined in accordance with the guidelines for inspection of imported food products. The types of inspection that a given food product may be subject to are: Document Inspection, Organoleptical Inspection, Laboratory Inspection, and Random Sampling Examination
3. If a product is subject to organoleptical inspection, laboratory inspection and random sampling examination, the KFDA inspector will conduct a field examination and take samples for the laboratory test.
4. KFDA conducts the conformity assessment from the information collected, using such items as test results, document inspection results, etc.
5. If a product complies with the Korean standards, KFDA issues a certificate for import. An importer can clear products with the KFDA import certificate.
6. If a product does not comply with the Korean standards, KFDA will notify the applicant and the regional customs office on the nature of the violation. The importer decides whether to destroy or return shipments to the exporting country or use it for non-edible purposes. If the violation can be corrected, as with labels, the importer can reapply for the inspection after making the corrections.
7. For perishable agricultural products, such as fresh vegetable, fruits, etc., an importer can clear the products prior to completion of the laboratory test with a pre-certificate for import report issued by KFDA. However, in this case, the importer should be able to track down the distribution of the given product so he/she can recall the products, in case the laboratory test indicates a violation.

If products are subject to animal quarantine inspection or plant quarantine inspection in addition to food inspection by KFDA, the animal quarantine certificate or plant quarantine certificate issued by the National Veterinary Research & Quarantine Service (NVRQS) or the National Plant Quarantine Service (NPQS) is required for product clearance, in addition to the KFDA certificate. Inspection by NPQS or NVRQS can take place simultaneously with the KFDA inspection.

H. Appendix

Appendix I - Primary Korean Food Agency

- a. Ministry of Health & Welfare: <http://www.mhw.go.kr>
- b. Ministry of Agriculture & Forestry: <http://www.maf.go.kr>
- c. Ministry of Maritime Affairs & Fisheries: <http://www.mmaf.go.kr>
- d. National Agricultural Cooperative Federation: <http://www.nacf.co.kr>
- e. National Livestock Cooperative Federation: <http://www.nlcf.co.kr>
- f. Korea Health Industry Development Institute: <http://www.khidi.or.kr>
- g. Korea Food & Drug Administration: <http://www.kfda.go.kr>
- h. Ministry of Environment: <http://www.moen.go.kr>
- i. National Veterinary Research & Quarantine Service: <http://www.nvrqs.go.kr>

Appendix II - WTO Enquiry Point

Names of the SPS Enquiry Point are as follows;

Animal or plant health or zoonosis (including aquatic animals)

Mr. Sang Jin, LEE
Deputy Director
Bilateral Cooperation Division
International Agriculture Bureau
Ministry of Agriculture & Forestry
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone) 82-2-500-2656/7 Fax) 82-2-507-2095

Food Safety

Mr. Jeong Seok, LEE
Deputy Director
Health Industry Policy Division
Ministry of Health & Welfare
1 Choongang-dong, Kwacheon City
Kyunggi-do, Korea 427-760
Phone) 82-2-503-7585 Fax) 82-2-503-7590

Mr. Young Chool, SHIN
Director
Food Circulation Division
Korea Food & Drug Administration
5 Nokbeon-dong, Eunpyung-ku
Seoul, Korea 122-704
Phone) 82-2-380-1733 Fax) 82-2-388-6392

Aquatic Animal Health and Sanitation

Mr. Jae Heung, CHUNG
Director
Trade Promotion Division
Fishery Products Marketing Bureau
Ministry of Maritime Affairs & Fisheries
826-14 Yoksam-Dong, Kangnam-Gu
Seoul, Korea 135-080
Phone) 82-2-567-2729 Fax) 82-2-556-7817

Appendix III - List of Available English Translation of Regulations

The following translations are available from the American Chamber of Commerce in Korea. Contact information is:

The American Chamber of Commerce in Korea

Westin Chosun Hotel 2nd Floor, #87 Sokong-dong
Chung-ku, Seoul, Korea
Tel) 82-2-753-6471, 752-3061
Fax) 82-2-755-6577

1. Food Sanitation Act
2. Presidential Decree to the Food Sanitation Act
3. Ministerial Ordinance to the Food Sanitation Act
4. Labeling Standards for Food et. al.
5. Korean Food Code
6. Korean Food Additive Code
7. Livestock Processing Control Act
8. Presidential Decree to the Livestock Processing Control Act
9. Ministerial Ordinance to the Livestock Processing Control Act
10. Country of Origin Regulations
11. Organic Agricultural Product Quality Control Guidelines
12. Sustainable Agriculture Promotion Act

Appendix IV - Standards for Packaging, Container or Equipment for Food Products

Standards for packaging, container, or equipment for food products are set in the Korean Food Code. This regulation is available in both English and Korean language as part of the Korean Food Code mentioned above.

Appendix V - Authorized U.S. Laboratories By the Korean Government (KFDA)

KFDA operates a program that recognizes foreign laboratories as official testing laboratories. This program aims to enhance the efficiency of conducting inspection of imported food. KFDA authorizes foreign official laboratories and recognizes inspection certificates or certificates of laboratory test results issued by these authorized official laboratories. As of now, there are two U.S. laboratories that have been authorized as official foreign laboratories by KFDA. They are:

1. Oregon Department of Agriculture's Export Service Center

The Oregon Department of Agriculture's Export Service Center (ESC) is a one stop technical assistance center for U.S. food manufacturers and exporters. It is designed to reduce obstacles for exporting products. The ESC has been certified by the Korean Food & Drug Administration to do residue and micro-biological testing on food and beverage products bound for Korea. A certificate of inspection from this lab usually expedites clearance inspections at Korean Customs. The ESC offers a range of technical services including product evaluation and certification. They will evaluate products for foreign country requirements and issue a certificate that minimizes the chances of product rejection. For more information on the services which the Export Service Center provides, contact the:

- Oregon Department of Agriculture

Export Service Center

Ms. Norma Corristian, Administrator of Export Service Center
Albers Mill Building
1200 N.W. Front Avenue, Suite 320
Portland, Oregon 97209-2898
Tel: 503-229-6557 Fax: 503-229-5933
E-mail: esc-food@oda.state.or.us

2. Omic USA Inc.

Omic USA is the second U.S. laboratory to be recognized by the Korea Food & Drug Administration as an official foreign testing laboratory. The contact information follows:

- Omic USA Inc.

Mr. Ryuichi Kurosawa, President
1200 NW Natio Parkway
Portland, Oregon 97209
Tel: 503-224-5929 Fax: 503-223-9436